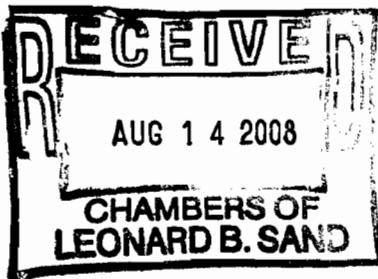


MEMO ENDORSED

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8-14-08

MICHAEL A. CARDODOZ
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**
100 CHURCH STREET, Room 2-125
NEW YORK, NY 10007

CHRISTOPHER L. HEER
Phone: (212) 788-0960
Fax: (212) 788-8877
Email: cheer@law.nyc.gov

August 13, 2008

BY REGULAR MAIL

Honorable Leonard B. Sand
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1650
New York, New York 10007

Re: Gutierrez v. City of New York et al.
08 Civ. 6537 (LBS) (JCF)

Dear Judge Sand:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel for the City of New York, assigned to represent defendants the City of New York, the New York City Police Department and Raymond Kelly, Commissioner ("City Defendants") in the above-mentioned action. I write to respectfully request a 30 day extension of the time to respond to the complaint from August 18, 2008 to September 18, 2008. Linda M. Cronin, plaintiffs' counsel, has consented to City Defendants' request for an extension of time. This is City Defendants' first request for an extension of time.¹

In order to respond to the complaint on behalf of the City Defendants, which must be grounded in knowledge, information and belief formed after reasonable inquiry, as required by Rule 11 of the Federal Rules of Civil Procedure, I must obtain the information necessary to

¹ With respect to service of the individual defendants Stephen R. Kennedy, Kevin Moroney and Raymond Rooney, Ms. Cronin has advised me that she has served them. Once this office confirms that they have been served, this office will determine pursuant to General Municipal Law 50-k whether or not this office can represent them.

MEMO ENDORSED

answer plaintiff's complaint. An extension of time will provide us with sufficient time to investigate plaintiffs' allegations and to review documents that might be relevant to this action.

For the foregoing reasons, City Defendants respectfully request an extension of time to September 18, 2008 to respond to the complaint.

Thank you for your consideration of this request.

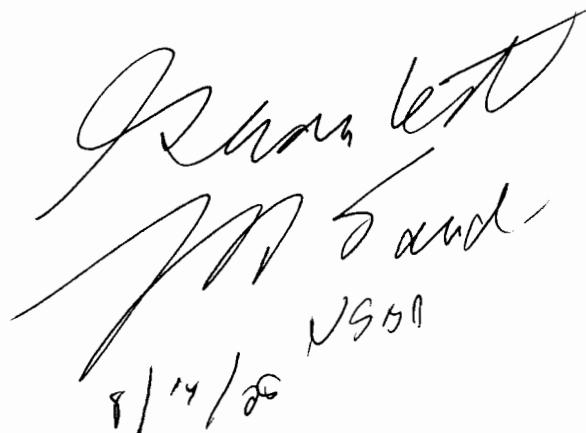
Respectfully yours,



Christopher L. Heer (CH 1086)
Assistant Corporation Counsel

cc: By Regular Mail

Linda M. Cronin, Esq.
CRONIN & BYCZEK, LLP
Attorneys for Plaintiffs
1983 Marcus Avenue, Suite C-120
Lake Success, New York 11042
(516) 358-1700



JShan, ktd
JW Sand
8/14/08 JSSB

MEMO ENDORSED